

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. 08-357</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: _____</b>
<b>JONATHAN GARCIA-CASTRO,</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>NELSON ROSARIO,</b>	<b>:</b>	
<b>a/k/a “Moyo,”</b>	<b>:</b>	<b>21 U.S.C. § 846 (conspiracy to distribute</b>
<b>a/k/a “Moreno”</b>	<b>:</b>	<b>heroin – 1 count)</b>
	<b>:</b>	<b>21 U.S.C. § 841(a)(1) (distribution of</b>
	<b>:</b>	<b>heroin – 2 counts)</b>
	<b>:</b>	<b>21 U.S.C. § 841(a)(1) (possession with</b>
	<b>:</b>	<b>intent to distribute heroin – 2 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>

**SUPERSEDING INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1. From at least on or about April 30, 2008 through on or about May 20, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JONATHAN GARCIA-CASTRO and**  
**NELSON ROSARIO,**  
    **a/k/a “Moyo,”**  
    **a/k/a “Moreno,”**

conspired and agreed, together and with others unknown to the grand jury, to knowingly and intentionally distribute 100 grams or more, that is, approximately 208 grams, of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

## **MANNER AND MEANS**

It was a part of the conspiracy that:

2. Defendant NELSON ROSARIO provided bulk heroin to defendant JONATHAN GARCIA-CASTRO.
3. Defendant JONATHAN GARCIA-CASTRO stored the bulk heroin in his residence at 5447 Howland Street in Philadelphia.
4. Defendant JONATHAN GARCIA-CASTRO packaged the bulk heroin for street sales to heroin dealers in packaging stamped "HIT MAN."
5. Defendants NELSON ROSARIO and/or JONATHAN GARCIA-CASTRO sold the packaged heroin during prearranged meetings at the National Wholesale Liquidators parking lot at Rising Sun and Adams Avenues in Philadelphia.
6. Defendants NELSON ROSARIO and JONATHAN GARCIA-CASTRO maintained records of drug transactions.

## **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object(s), defendants NELSON ROSARIO and JONATHAN GARCIA-CASTRO committed the following overt acts, among others, in Philadelphia, in the Eastern District of Pennsylvania:

1. On or about April 30, 2008, at the National Wholesale Liquidators parking lot on Rising Sun and Adams Avenues, defendants NELSON ROSARIO and JONATHAN GARCIA-CASTRO distributed approximately 4.6 grams of heroin packaged inside two rectangular brick-like objects containing several blue glassine packets stamped "HIT MAN."
2. On or about May 6, 2008, at the National Wholesale Liquidators parking

lot on Rising Sun and Adams Avenues, defendants NELSON ROSARIO and JONATHAN GARCIA-CASTRO distributed approximately 7.8 grams of heroin packaged inside four rectangular block-shaped packages stamped “HIT MAN,” which contained numerous blue glassine packets also stamped “HIT MAN.”

3. On or about May 20, 2008, at the National Wholesale Liquidators parking lot on Rising Sun and Adams Avenues, defendants NELSON ROSARIO and JONATHAN GARCIA-CASTRO possessed for distribution 11.3 grams of heroin.

4. On or about May 20, 2008, defendants ROSARIO and GARCIA-CASTRO stored, among other things, approximately 185 grams of heroin, including bulk heroin and heroin packaged for street sale, stamped “HIT MAN,” as well as a grinder, scale, strainer, straw, and toothbrush, all containing heroin residue, a "HIT MAN" stamp, and numerous baggies and black rubber bands used to package heroin for street sales inside the basement of 5447 Howland Street in Philadelphia.

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 30, 2008, in Philadelphia, in the Eastern District of  
Pennsylvania, defendants

**JONATHAN GARCIA-CASTRO and  
NELSON ROSARIO,  
a/k/a “Moyo,”  
a/k/a “Moreno,”**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and  
substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), and Title 18,  
United States Code, Section 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 6, 2008, in Philadelphia, in the Eastern District of Pennsylvania,  
defendants

**JONATHAN GARCIA-CASTRO and  
NELSON ROSARIO,  
a/k/a “Moyo,”  
a/k/a “Moreno,”**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and  
substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), and Title 18,  
United States Code, Section 2.

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 20, 2008, in the vicinity of the National Wholesale Liquidators parking lot, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JONATHAN GARCIA-CASTRO and  
NELSON ROSARIO,  
a/k/a “Moyo,”  
a/k/a “Moreno,”**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 20, 2008, inside the residence located at 5447 Howland Street,  
in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JONATHAN GARCIA-CASTRO and  
NELSON ROSARIO,  
a/k/a “Moyo,”  
a/k/a “Moreno,”**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the  
possession with intent to distribute of, 100 grams or more, that is, approximately 184.98 grams,  
of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled  
substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and  
Title 18, United States Code, Section 2.

**A TRUE BILL:**

**\_\_\_\_\_  
GRAND JURY FOREPERSON**

**\_\_\_\_\_  
LAURIE MAGID  
Acting United States Attorney**